

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13539 of East Washington Heights Baptist Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 3101.412 to continue to operate a "Meals on Wheels Service" in an R-1-B District at the premises 2200 Branch Avenue, S.E., (Square 5667, Lot 824).

HEARING DATES: July 29, 1981 and September 23, 1981
DECISION DATE: September 23, 1981 (Bench Decision)

FINDINGS OF FACT:

1. The subject application was first scheduled for the Public Hearing of July 29, 1981. Due to the lateness of the hour the application was not heard but continue to the Public Hearing of September 23, 1981.

2. The subject property is located in the R-1-B District at the northeast corner of the intersection of Alabama and Branch Avenues, S.E.

3. The subject site, approximately 55,497 square feet in area, is improved with the East Washington Heights Baptist Church building. Access to the Church's kitchen facilities and parking lot, which is approximately 20,000 square feet in area, is from Alabama Avenue.

4. The applicant proposes to continue using the church's kitchen facilities to prepare meals for delivery to elderly, handicapped and other community members who are unable to either shop or prepare meals for themselves. The use was originally approved by the Board in case no. 11924, by order dated June 20, 1975. By BZA Order No. 12694, dated August 29, 1978 the Board granted permission to continue the subject operation for three years.

5. The program operates seven days a week from approximately 9:00 a.m. to 1:00 P.M. Since the delivery component of the program occurs during non-peak hours, with vehicles entering and exiting from Alabama Avenue, a major arterial, objectionable impacts due to noise and traffic have not occurred and are not anticipated.

6. An average of forty elderly and/or infirm persons are served Monday to Friday. About twenty persons are served on weekends. The area covered is in D.C. and suburbs of Maryland and Virginia. The recipients are served two meals simultaneously, one hot midday meal and a cold meal for later use at a cost of \$2.50 per day, with subsidies for those recipients unable to pay.

7. The meals are prepared and delivered by rotating volunteers. Six volunteer cars deliver meals covering the entire far southeast Washington area. The program coordinator and the cook are the only persons paid. The organization has some 200 volunteers of which eighteen are needed on a daily basis.

8. The program is conducted within the existing church building, with no outside signs indicating the operation of the program.

9. The Meals on Wheels Program is a non-profit organized service, with income only from the food payments of the recipients and charitable contributions.

10. There was no opposition to the granting of this application at the Public Hearing of record.

11. Advisory Neighborhood Commission 7D, by letter of August 31, 1981, recommended approval of the application on the grounds that the subject services merit commendation for the many benefits to many citizens in need of this essential service. The Board concurs.

CONCLUSIONS OF LAW AND OPINION:

Based on the above Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires proof of compliance with the provision of Sub-paragraph 3101.412 of the Zoning Regulations. The Board concludes that the program is not organized for profit, but exclusively for the promotion of the social welfare of the community, that the portion of the program conducted on the property is carried on within the existing church building, with no signs indicating the operation of the program. The Board further concludes that the continued operation of this program is not likely to become objectionable to the residence district because of noise and traffic. The requested special exception is in harmony with the general purpose and intent of the Zoning Regulations, and will not tend to adversely affect the use of neighboring property. It is therefore ORDERED that this application is hereby GRANTED for a period of THREE YEARS from the date of expiration of the previous Certificate of Occupancy.

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Douglas J. Patton, Charles R. Norris, and Connie Fortune to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 25 NOV 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.